

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Mitchell David Holbach,)
Plaintiff,)
-vs-)
State of North Dakota, County of Ward,)
City of Minot, Wayne Stenehjem, Roza)
Larson, and John [Last Name Illegible],)
Defendants.)

Case No. 3:13-cv-38

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

On December 30, 2013, the Court received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Mitchell David Holbach's motion to proceed *in forma pauperis* be denied, and his case dismissed without prejudice to reopening upon payment of the filing fee (Doc. #9). Holbach did not file objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation along with the entire file and finds the magistrate judge's analysis is correct. The Court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, Holbach's motion to proceed *in forma pauperis* (Doc. #2) is **DENIED**. This case is hereby dismissed without prejudice to reopening upon the payment of the filing fee.

The Court certifies that any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

IT IS SO ORDERED.

Dated this 24th day of January, 2014.

/s/ *Ralph R. Erickson*
Ralph R. Erickson, Chief Judge
United States District Court